

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

LINDA MIGLIORI, FRANCIS J. FOX,)	
RICHARD E. RICHARDS, KENNETH)	
RINGER, and SERGIO RIVAS)	
)	
Plaintiffs,)	Civ. No. 2:22-cv-00397
)	
v.)	
)	
LEHIGH COUNTY BOARD OF)	
ELECTIONS and DAVID RITTER,)	
)	
Defendants.)	
)	

**REVISED STIPULATION AND
AGREED ORDER**

This matter comes before the Court on Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction seeking, *inter alia*, an order halting the impending certification of 2021 election results by Defendant Lehigh County Board of Elections while this Court considers Plaintiffs' federal claims to determine whether uncounted mail-in ballots submitted by Plaintiffs and 252 other Lehigh County voters must be counted before the election is finally certified. The parties, through their undersigned counsel, have conferred and jointly propose the following Revised Stipulation and Agreed Order concerning Plaintiffs' request for temporary restraining order and further litigation of Plaintiffs' request for injunctive relief:

WHEREAS, Defendant Lehigh County Board of Elections scheduled a Meeting of the Board on February 1, 2022, for the limited purpose of unofficially certifying the returns of the 2021 election for the Lehigh County Court of Common Pleas pursuant to 25 P.S. § 3154(f);

WHEREAS, by operation of 25 P.S. § 3154(f), the unofficial returns were not finally certified on February 1, 2022;

WHEREAS, in the interests of completing such unofficial certification without further litigation of Plaintiffs' request for temporary restraining order or preliminary injunction, Defendant Lehigh County Board of Elections agrees not to take any steps to finally or officially certify the election returns or issue certificates of election to any candidate until this Court resolves Plaintiffs' claims for injunctive relief;

WHEREAS, the parties agree that the pending Motion for Temporary Restraining Order and/or Preliminary Injunction (doc. 2) should be held in abeyance pending completion of summary judgment proceedings; and

WHEREAS, the parties agree to the schedule outlined herein for summary judgment and further pleadings;

NOW, THEREFORE, it is hereby ORDERED as follows:

1. Defendant Lehigh County Board of Elections shall file an Answer to the Complaint on or before February 11, 2022;
2. Plaintiffs, Defendant David Ritter, and Defendant Lehigh County Board of Elections shall each file simultaneous Motions for Summary Judgment, and Briefs in Support Thereof, on or before February 11, 2022;
3. In connection with the Motions for Summary Judgment, the Parties shall agree to Joint Stipulated Facts, and shall file the same with the Court, on or before February 10, 2022;
4. Because the Parties are filing Joint Stipulated Facts, the Parties may opt to forgo filing a statement of undisputed material facts under Section II.F.8 of this Court's Policies and Procedures; the parties are further relieved of the obligation to confer under Paragraph 2 of the Court's Initial Procedural Order (doc. 10);

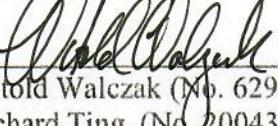
5. The Parties shall file responsive briefs to the Motions for Summary Judgment on or before February 22, 2022;
6. The Parties may file a reply brief in further support of their respective Motions for Summary Judgment on or before February 25, 2002;
7. The Court will conduct oral argument on the Motions for Summary Judgment on Wednesday, March 2, 2022 at 9:00 AM; and
8. Paragraph 4 of the Court's Order of February 1, 2022 (doc. 13) remains in effect.
9. Any additional motions to intervene in this matter shall be filed on or before February 9, 2022.

SO ORDERED

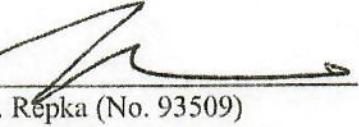
February 7, 2022

Leeson, J.

FOR THE PARTIES:

/s/ 
Witold Walczak (No. 62976)
Richard Ting (No. 200438)
ACLU OF PENNSYLVANIA
P.O. Box 23058
Pittsburgh, PA 15222
P: 412-681-7864
vwalczak@aclupa.org
rting@aclupa.org

Stephen A. Loney, Jr. (No. 202535)
Marian K. Schneider (No. 50337)
ACLU OF PENNSYLVANIA
P.O. Box 60173
Philadelphia, PA 19102
P: 215-592-1513
sloney@aclupa.org
mschneider@aclupa.org
Counsel for Plaintiffs

/s/ 
Lucas J. Repka (No. 93509)
REPKA LAW OFFICES, LLC
108 East Center Street
Nazareth, Pennsylvania 18064
Phone: (610) 365-2670
Fax: (610) 365-2672
lrepka@repkalawoffices.com
Counsel for Defendant

/s/ 
Joshua J. Voss (No. 306853)
KLEINBARD LLC
Three Logan Square
1717 Arch Street, 5th Floor
Philadelphia, PA 19103
Ph: (215) 568-2000
Eml: jvoss@kleinbard.com
Counsel for Defendant David Ritter